UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/Sub.2/1997/NGO/40
29 August 1997

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Forty-ninth session
Agenda item 5

THE IMPLEMENTATION OF THE HUMAN RIGHTS OF WOMEN

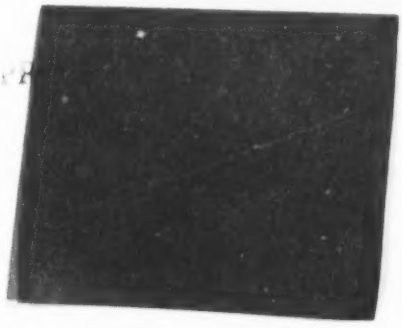
Written statement submitted by Liberation, a non-governmental organization on the Roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[29 August 1997]

1. Liberation is deeply concerned by the new developments in the Sri Lanka-Tamil war concerning the treatment of women. Despite the agreements reached in Beijing and the State's commitment, the current situation of protection and respect of Tamil women's rights is far from being acceptable. This situation has worsened alarmingly in this armed conflict where violence and sexual abuses against Tamil women and girls are used as a weapon of war.

2. The situation of Tamil women in Sinhala military-controlled areas could not be worse. Civilian women are killed, disappeared, tortured, raped, harassed and degraded. There have been more than 200 cases of reported rape in the past year. A frequent happening is the night-time raid, where women are abducted from their shelter in their nightclothes and taken to police stations where they are humiliated, sexually assaulted, tortured, killed and sometimes disappeared.



GE.97-14005 (E)

3. Out of 700 disappearances from 1996 and up to now as reported by Amnesty International, almost half of them are Tamil women, mainly young schoolgirls. Five hundred mothers appealed to the President of Sri Lanka to reveal their children's whereabouts following arbitrary arrest by the military. Tamil parents are reluctant to return from Vanni to their own homes in the peninsula for fear of their daughters' safety. Some parents escort their daughters and sons to schools and wait until the school is over to re-escort their children home in the military liberated areas.

4. Amnesty International issued an urgent action appeal (ASA 37/14/97) on 21 May 1997 regarding Ms. Murugesupillai Koneswary, 36-year-old mother of four children, who was raped in her home at night and killed by a grenade thrown at her genitals to eliminate medical evidences of rape. A presidential commission of inquiry has been set up only at the request of the local member of Parliament to the President.

5. On 12 July 1997, in Alvai, a 20-year-old volunteer teacher, Chandrakala Krishnapillai, was intercepted by Sinhala soldiers on her way back from work and gang-raped. She received treatment at Jaffna Hospital. In the same month, a 17-year-old schoolgirl was gang-raped on her way from school. She also received treatment at the same hospital. When the family was counselled, the father of this girl begged the religious leader not to reveal his daughter's name as this would ruin her future. Therefore, the number of rape cases are much higher than reported.

6. The rapes are not carried out in secret and no attempt is made to conceal their occurrence from other civilians in that area. As such, each rape is an attempt to terrorize and subjugate not only women themselves, but also all who see and hear of it. Undesired pregnancies and other sexual abuses of women and girls have been of particular concern to Liberation, as also expressed by the Commission on the Status of Women at its forty-first session.

7. The recurring situation of armed conflict in Sri Lanka amounts to genocide, causing physical and psychological abuse of Tamil women, owing to the continuing use of rape as a weapon of war, as documented by the Tamil Center for Human Rights (UK). Therefore, the perpetrators of these heinous crimes must be punished as rape has been recognized as a war crime by the International Tribunal on the Former Yugoslavia and also the Commission on Human Rights.

8. Ms. H.E. Warzazi, United Nations Special Rapporteur, in her report (E/CN.4/Sub.2/1997/10) emphasizes that "Governments must absolutely assume their responsibilities for protecting women before, during and after pregnancy". However, it was reported on 10 August 1997, by IBC Radio News Services, that a 36-year-old pregnant mother, Satheeswari Kanagaratnam from Thenmaradchi in the North, who was in labour, died of lack of medical care due to the continuing curfew, unable to obtain emergency medical attention. The military refused access to an ambulance during the curfew. There are many such cases reported by human rights organizations.

9. It is increasingly difficult to achieve minimal subsistence needs of food, shelter, clothing and medical care in the Vanni area. Tamil women and

their children and elders make up the bulk of the 700,000 internally displaced. Many women are the breadwinners of the family as some are widowed by the war and some men left the country for fear of persecution. Furthermore, the Sri Lankan Government heavily restricts the movement and distribution of humanitarian aid to the war victims. The many religious leaders who have worked many years in the area report that the present time is the worst they have seen. The Tamil women in Sinhala-controlled areas or in the makeshift camps are at risk of imminent catastrophe.

10. These eyewitnesses from the religious community also contradict the Sri Lankan Government's contention that Tamil civilians voluntarily turn themselves over to Sinhala-administered areas. Many so-called returnees are in fact bombed, and the only way they can flee is towards these areas. According to both Father Emmanuel and Father Daniel, who have spent long years in Vanni and Jaffna, the Sri Lankan army targets the civilians, who then move towards safer areas in a kind of round-up.

11. In contrast, the situation in Sri Lanka is difficult at best, but there are some positive indications under Tamil control. First of all, women play a major part in the Tamil civil administration, including in the civil police forces, the court systems, social services, educational facilities and in hospitals. Women in the Tamil-controlled areas play an increasing role in the economic development and in decision-making at every level as well. This has had a positive influence on ending some traditional practices detrimental to women, for example, the dowry system, the caste system, arranged marriage, property ownership and the preference for male children. In the Tamil-controlled areas, the girl child is as highly valued as the boy child. Violence against women has also diminished markedly, and women walk freely in the Tamil-controlled areas without fear of rape or other violence.

12. Part of the change in attitude is attributed to the role women play in the national liberation struggle. Margaret Trawick, a sociology professor at New Zealand University, spent some time in the field with the Tamil women in resistance. Her finding indicates that the vast majority of the women are between the ages of 18 and 28, that the women study as well as train, and that they are self-sufficient and dedicated to Tamil freedom.

13. Historically, wartime has enhanced the employment of women. In the Second World War, women played a major role in the resistance. Women also took over factory jobs, and were recruited as nurses and paramedics and office support staff. However, after the war, women retreated back into traditional roles. The heavy reliance on women in the Tamil areas may very well lead to a permanent improvement in the situation of women in Tamil society, as they are already active partners in civilian administration and play such a major role in the resistance.

14. The continued presence of the Sinhala army in the traditional homeland of the Tamils will lead to further violation of human rights and suppression of the development of Tamil women. The army do not speak or understand the Tamil language nor are they mindful of the culture and religions of the Tamils.

15. There is an almost total prohibition on both local and foreign media personnel and peace organizations going to the war zone to see for themselves what is happening and assess objectively the human rights situation there.

16. No amount of cooperation and training of the Sri Lankan military by the international community has yet got through to them as to what is simple morality and respect for women and mothers. Liberation has notified the Commission of 150 rapes in April 1996 alone, mostly Tamil women, committed by the Government's security forces.

17. Liberation also regrets the decision of the Sri Lankan Government not to accept assistance to bring about a just political solution to the Tamil national question, treating it as an internal matter.

18. Liberation appeals to the members of the Sub-Commission to take urgent measures to end the genocide situation existing in Sri Lanka today, and requests the Sri Lankan Government to withdraw its occupying army from the Tamil traditional homeland in order to prevent further violations of human rights and the rape of schoolgirls and Tamil women.

19. A fact-finding mission to Sri Lanka by the Special Rapporteur would be welcomed by Liberation, above all to assess the current state of human rights violations and violations of humanitarian law on the island and to recommend the best way of bringing peace.